

REMARKS

Summary of Office Action

Claims 1-48 are pending in the above-identified patent application. Of those, claims 42-48 have been withdrawn from consideration as being drawn to one or more nonelected inventions.

Claims 14, 30-32 and 37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Dorf U.S. Patent 6,000,608.

Claims 15-25, 27, 28, 33-35 and 38-41 have been rejected under 35 U.S.C. § 103(a) as being obvious from Dorf in view of Pilarczyk U.S. Patent 4,766,542.

Claim 26, 29 and 36 has been rejected under 35 U.S.C. § 103(a) as being obvious from Dorf in view of Reber et al. U.S. Patent 5,950,632.

The examiner also has rejected system claims 1-13. However, the examiner has not applied the references specifically to the claims. Instead, he has referred by analogy to the rejection of method claims 14-41.

Applicant's Reply

All claims have been rejected based at least in part on Dorf. These rejections are respectfully traversed.

Applicant's claims define a telecommunication reminder system and method which transmit medical compliance reminders to a patient according to a patient profile.

Dorf discloses a system which allows access to, and retrieval of, a patient's complete medical history from a multitude of remote locations. Dorf does not disclose a system which transmits medical compliance reminders.

The examiner describes Dorf as "a form of a medical compliance reminder in that it reminds the physician of certain important facts about the patient, such as medication currently prescribed or medication allergies" (Office Action,

page 3, line 18 to page 4, line 2). Applicant respectfully disagrees.

Applicant understands that during examination claims are given their "broadest reasonable interpretation." But that interpretation must, by definition, be "reasonable." It is not reasonable to define "compliance" in the sense that the Examiner has defined it. Applicant respectfully submits that "compliance" refers to a patient's adherence to a prescribed course of treatment, and not to any physician action or conduct.

Applicant has searched 40 medical dictionaries. None supported the Examiner's interpretation of "compliance." The definitions found in 13 of the dictionaries are set forth in the following table:

Dictionary	Definition of "Compliance"
"Compliance." <u>The American Medical Association's Encyclopedia of Medicine</u> . Ed. Charles B. Clayman. New York: Dorling Kindersley Limited, 1989	the degree to which patients follow medical advice
"Compliance." Def.3. <u>Churchill's Illustrated Medical Dictionary</u> . New York: Churchill Livingstone Inc., 1989	disposition to follow a prescribed regimen or specific instructions, as those of a physician to a patient

Dictionary	Definition of "Compliance"
<p>"Patient Compliance." <u>The Dictionary of Modern Medicine</u>. Ed. JC Segen. Park Ridge, NJ: The Parthenon Publishing Group Inc., 1992</p>	<p>the strictness to which the patient adheres to the physician's regimen, diet, treatment, and whether the patient returns for re-examination, follow-up or treatment*</p>
<p>"Compliance." Def.4. <u>Duncan's Dictionary for Nurses</u>. Ed. Helen A. Duncan, New York: Springer Publishing Company, Inc., 1989</p>	<p>the extent to which a patient agrees with and carries out the prescribed activities of a therapeutic regimen in terms of agreeing with and accepting the specific requirements, taking the recommended medications, keeping appointments, and making changes in his lifestyle required by the regimen</p>
<p>"Compliance." <u>Elsevier's Medical Terminology for the Practicing Nurse</u>. Ed. Sally F. Vanderwerf. Amsterdam: Elsevier Science B.V., 1998</p>	<p>the extent to which the patient's behavior, ideas, and sensations join his/her medical regimen</p>
<p>"Compliance." Def.3. <u>International Dictionary of Medicine & Biology</u>. New York: John Wiley & Sons, 1986</p>	<p>disposition to follow a prescribed regimen or specific instructions, as those of a physician to a patient</p>

* The entry for compliance directs readers to "patient compliance" where this definition is found.

Dictionary	Definition of "Compliance"
<p>"Compliance." Def.1. <u>Miller-Keane Encyclopedia & Dictionary of Medicine, Nursing, & Allied Health</u>. Ed. Michael Brown. Philadelphia: W.B. Saunders Company, 1992</p>	<p>implementation by the patient of the therapeutic plan that has been established</p>
<p>"Compliance." Def.1 <u>Mosby's Medical, Nursing, & Allied Health Dictionary</u>. Ed. Kenneth Anderson. St. Louis, MO: Mosby Year Book, Inc., 1998</p>	<p>fulfillment by a patient of a caregiver's prescribed course of treatment</p>
<p>"Compliance." <u>The Oxford Companion to Medicine</u>. Ed. John Walton, Paul B. Beeson, Ronald Bodley Scott. Oxford University Press, 1986</p>	<p>the extent to which a patient obeys the instructions of his doctor, particularly with respect to the taking of medicines</p>
<p>"Compliance." Def.2. <u>PDR Medical Dictionary</u>. Ed. Marjory Spraycar. Montvale, NJ: Medical Economics, 1995</p>	<p>the consistency and accuracy with which a patient follows the regimen prescribed by a physician or other health professional</p>
<p>"Compliance." Def.2. <u>Stedman's Medical Dictionary</u>. Ed. Thomas Stedman. 27th ed. Baltimore: Lippincott Williams & Wilkins, 2000.</p>	<p>the consistency and accuracy with which a patient follows the regimen prescribed by a physician or other health professional</p>
<p>"Compliance." Def.2. <u>Taber's Cyclopedic Medical Dictionary</u>. Ed. Clarence Wilbur Tabler. Philadelphia: F.A. Davis Company, 1993</p>	<p>the extent to which a patient's behavior coincides with medical advice</p>

Dictionary	Definition of "Compliance"
"Compliance." Def.2. <u>Webster's Medical Desk</u> <u>Dictionary</u> . Springfield, MA: Merriam-Webster Inc., 1986	the process of complying with a regimen of treatment

Copies of the cited definitions are enclosed.

Each of the definitions reproduced above supports applicant's interpretation of "compliance." The other 27 medical dictionaries examined by the applicant either do not contain entries for "compliance" or contain only definitions of "compliance" in other contexts. No definitions were found according to which "compliance" means anything related to physician conduct or activity. Copies of relevant pages of the other 27 dictionaries also are enclosed, and those dictionaries are listed in an Appendix hereto.

Thus Dorf does not show or suggest the issuing of compliance reminders as defined in the claims.

Moreover, the claims define the reminders as being sent "to the patient," not to the physician.

Accordingly, Dorf does not show or suggest the claimed invention.

Neither Pilarczyk nor Reber makes up the deficiencies of Dorf relative to the claimed invention. Both Pilarczyk and Reber were cited only for their alleged disclosures of certain limitations of applicant's dependent claims, and neither shows "a medical compliance reminder system that transmits a plurality of medical compliance reminders to the patient in accordance with the patient reminder profile." That limitation is missing from all three references and therefore would be missing from any combination of those references.

Accordingly all claims should be patentable.

Conclusion

For the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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APPENDIX

ADDITIONAL DICTIONARIES CONSULTED

The American Illustrated Medical Dictionary. Ed. W.A. Newman Dorland. Philadelphia: W.B. Saunders & Company, 1901.

Attorneys' Dictionary of Medicine and Word Finder. Ed. J.E. Schmidt. LexisNexis, 2003.

Black's Medical Dictionary. Ed. William Thomson. London: A. and C. Black (Publishers) Ltd., 1965.

Blakiston's Gould Medical Dictionary. McGraw-Hill, Inc., 1979.

The British Medical Dictionary. Ed. Arthur Salusbury MacNalty. J.B. Lippincott Company, 1961.

Butterworth's Medical Dictionary. The Butterworth Group, 1961.

Dictionary of Medical Slang. Ed. J.E. Schmidt. Springfield, IL: Charles C. Thomas Publisher, 1959.

Dorland's Illustrated Medical Dictionary. 23rd ed. Philadelphia: W.B. Saunders Company, 1957.

Dorland's Illustrated Medical Dictionary. 29th ed. Philadelphia: W.B. Saunders Company, 2000.

The HarperCollins Illustrated Medical Dictionary. New York: HarperCollins, 1993.

Health Care Terms. Ed. Vergil Slee. St. Paul, MN: Tringa Press, 1986.

Intelligent Layman's Medical Dictionary. Ed. Harry Swartz. New York: Frederick Ungar Publishing Co., 1955.

The Inverted Medical Dictionary. Lancaster, PA: Technomic Publishing Company, Inc.

The Macmillan Medical Dictionary. Ed. Sir Cecil Wakeley. New York: The MacMillian Company, 1953.

McGraw-Hill Nursing Dictionary. McGraw-Hill Book Company.

Medical & Nursing Dictionary and Encyclopaedia. Ed. Evelyn Pearce. London: Faber & Faber Ltd, 1958

Medical Meanings: A Glossary of Word Origins. Ed. William S. Haubrich. Philadelphia: American College of Physicians, 1984.

The Medical Word Finder: A Reverse Medical Dictionary. Ed. Betty Hamilton. New York: Neal-Schuman Publishers, Inc, 1987.

Melloni's Illustrated Medical Dictionary. New York: The Parthenon Publishing Group Inc., 1993.

The New American Medical Dictionary and Health Manual. Ed. Robert Rothenberg. New York: Crown Publishers, Inc., 1975.

Parr's Concise Medical Encyclopedia. Ed. John Anthony Parr. Elsevier Publishing Co. Ltd., 1965.

The Putnam Medical Dictionary. Ed. Norman Burke Taylor. New York: G.P. Putman's Sons, 1961.

The Simplified Medical Dictionary for Lawyers. Ed. Bernard S. Maloy. Mundelein, IL: Callaghan & Company, 1960.

The Sloane-Dorland Annotated Medical-Legal Dictionary. Ed. Richard Sloane. St. Paul, MN: West Publishing Company, 1987.

Stedman's Medical Dictionary. Ed. Thomas Stedman. 20th ed. Baltimore: Lippincott Williams & Wilkins, 1961.

The Story Behind the Word: Some Interesting Origins of Medical Terms. Ed. Harry Wain. Springfield, IL: Charles C. Thomas, 1958.

The Student's Medical Dictionary. Ed. George M. Gould. Philadelphia: P. Blakiston's Son & Co., 1900.